

explicitly recited in independent claims 1 and 19. Thus, the Abe reference fails to anticipate every element of the patentable features as explicitly recited in independent claims 1 and .

For the above reason, the Applicant respectfully submits to the Examiner that the rejection of independent claim 1 should be withdrawn. Accordingly, dependent claims 2 through 18 ultimately depend from independent claim 1 and incorporate the above patentable feature from the independent claim. Therefore, the Applicant respectfully submits to the Examiner that the rejection of claims 1 through 19 under 35 U.S.C. §102(e) should be withdrawn.

Section 103 Rejections

For the pending the Section 103/102(e) rejections of claims 2 through 12, 15 through 18, 20 through 30 and 33 through 36, the Examiner has cited the same Abe reference in view of the Katsuyama reference as in the previous Office Action. Similarly, for the 103/102(e) rejections of claims 13, 14, 31 and 32, the Examiner has cited the same Abe reference in view of the Katsuyama reference and further in view of the Chen et al. reference as in the previous Office Action.

This is a continuation application from Patent Application Serial No. 09/435,373 under 37 C.F.R. 1.53(d). The new continued prosecution application receives a new filing date even though the same application serial number is retained. Because the new filing of the currently filed continued prosecution application is after November 29, 2000, the 35 U.S.C. 102(e) as amended by the American Inventors Protection Act is now applicable to the current continued prosecution application for the examination.

Under the new 35 U.S.C. 102(e) based upon the new filing date of the current continuation application, the cited Abe et al. cited reference will not used as prior art against the current application due to the common ownership exception provided that the common ownership did exist at the time of the invention. To prove the common ownership, enclosed is an executed copy of a declaration by the inventor stating that the inventor was under the obligation due to the employ agreement to assign Ricoh the rights to the current patent application at the time the invention was made.

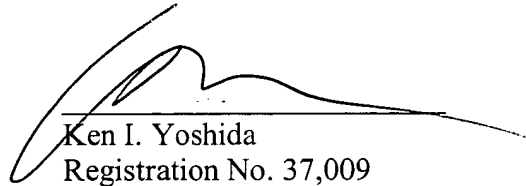
For the rejection of the dependent claims under the section 103, the Abe reference is now not applicable due to the common ownership exception. Thus, the Applicant respectfully submits to the Examiner that the currently pending obviousness rejections are not proper. For the above reason, the Applicant respectfully submits to the Examiner that the pending 103 rejections should be withdrawn.

Conclusion

Based upon the above reasons, the Applicant respectfully submit to the Examiner that the currently pending claims 1 through 36 should be in condition for allowance and respectfully requests a favorable Office Action so indicating.

Respectfully submitted,

Date: May 2, 2003



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